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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
JESUS ARTEAGA-CASTANEDA,)
)
Defendant.)

No. CR 11-00473 RMW

STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING HEARING TO
January 9, 2012 AND EXCLUDING TIME
FROM December 19, 2011 TO January 9,
2012 FROM THE SPEEDY TRIAL ACT
CALCULATION

The parties, acting through respective counsel, hereby stipulate, subject to the Court's approval, that the hearing currently set for December 19, 2011 at 9:00am be vacated, and that the hearing be re-set for January 9, 2012 at 9:00am. The government is requesting the continuance of the hearing due to government counsel's need to travel out of town to attend funeral services for a close family friend. The parties are also working to resolve a legal question that will impact the terms of our potential disposition.

The parties stipulate that the time between December 19, 2011 and January 9, 2012 is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested continuance would unreasonably deny counsel for both Parties reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and for

continuity of counsel. Finally, the parties agree that the ends of justice served by granting the requested continuance outweigh the best interest of the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

DATED: December 14, 2011

MELINDA HAAG
United States Attorney

/s/
ANN MARIE E. URSINI
Special Assistant United States Attorney

/s/
VARELL L. FULLER for LARA VINNARD
Attorney for Defendant

~~PROPOSED~~ ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the hearing in this matter previously set for December 19, 2011 at 9:00am is vacated, and the matter is continued to January 9, 2012 at 9:00am. Further, the Court ORDERS that the time between December 19, 2011 and January 9, 2012 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny counsel for both parties reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: ~~FCF~~ ~~FF~~


RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE